

BASIC CRITERIA FOR CULTURAL RESOURCES REPORTS

FOR SECTION 106 CONSULTATION WITH THE STATE HISTORIC PRESERVATION OFFICER (SHPO) UNDER THE NATIONAL HISTORIC PRESERVATION ACT (NHPA)

CULTURAL RESOURCES REPORTS

The Section 106 compliance efforts and Cultural Resources Reports must be prepared by a qualified researcher that meets the Secretary of the Interior's [Professional Qualifications Standards](#).

- If “findings” are made they must be one of the four “findings” listed in Section 106. These include:
 - “No historic properties affected” (no properties are within the area of Potential effect (APE; including below the ground);
 - “No effect to historic properties” (properties may be near the APE but the project will not impact them);
 - “No adverse effect to historic properties” (the project may affect historic properties but the impacts will not be adverse); and
 - “Adverse effect to historic properties”.

Note: The SHPO will need to be consulted if a “no adverse effect to historic properties” or an “adverse effect to historic properties” determination is made to develop and evaluate alternatives or modifications to the proposed project that could avoid, minimize or mitigate adverse effects on historic properties.

CURRENT RECORDS SEARCH INFORMATION

- A current (less than a year old) records search from the appropriate Information Center is necessary. The records search should include maps that show all recorded sites and surveys in relation to the APE for the project, and copies of the confidential site records.
- The records search request should be made for an area of a half-mile radius from the APE.
- The APE is three-dimensional (depth, length and width) and includes all areas that may be affected by the project. It includes the surface area and extends below ground to the depth of any [project excavations](#).
- The APE generally follows the maximum possible area directly impacted resulting from the proposed project, including new construction, easements, and staging areas (based upon all alternatives).

NATIVE AMERICAN AND INTERESTED PARTY CONSULTATION

- Native American and interested party consultation should be initiated at the beginning of the proposed project to gather information to assist with preparation of the Cultural Resources Report.
- The Native American Heritage Commission (NAHC) must be contacted to obtain documentation of a search of their files for Sacred Lands in or near the APE.
- All local Native American tribal organizations or individuals provided by the NAHC must be contacted. Contact with the Native Americans must be carried out by means of certified mail, and include a map of the project area and a description of the proposed project.
- Follow-up contact should be made by telephone and a phone log maintained to document the contacts and responses. The Cultural Resources Report should contain copies of the letter to the NAHC, a project description and copy of the map that was sent to the interested parties, and a copy of the phone log.
- Letters of inquiry seeking historical information on the project area and local vicinity should be sent to local historical societies, preservation organizations, or individual members of the public with a demonstrated interest in the proposed project.

PRECAUTIONS

- A finding of “**no known resources**” is unacceptable. The consultant’s job is to identify y resources within the APE or to demonstrate that none are present.
- “**The area is sensitive for buried archaeological resources**” followed by a statement that “**monitoring is recommended as mitigation.**” Monitoring is not an acceptable mitigation.
- If “**the area is already disturbed by previous construction,**” documentation is still required to demonstrate that the proposed project will not affect historic properties. An existing road can be protecting a buried archaeological deposit or may itself be a historic property. Additionally, previous construction may have impacted an archaeological site that has not been previously documented.

SHPO CONSULTATION LETTER

A [draft consultation letter](#) must also be prepared by the qualified researcher, and submitted with the Cultural Resources Report to the State Water Resources Control Board.

STATE WATER BOARD CONTACT INFORMATION

Please contact Mr. Ahmad Kashkoli (916) 341-5855 or ahmad.kashkoli@waterboards.ca.gov if you have any questions related to CWSRF Program cultural resources compliance.